

Congress of the United States

Washington, D.C. 20515

0908

July 23, 2012

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

We are concerned about the FCC's recent expansive interpretation of the "program carriage" rules. Expanding video regulation in the current environment ignores the realities of today's competitive marketplace.

In today's video market, cable operators compete with satellite operators, telecommunications providers offering video, over-the-air broadcasters, online streaming video and online video distributors such as Netflix, Hulu and Roku. Cable operators must make reasonable business decisions about which programming services offer the right price and value for their subscribers. Like any business operating in a competitive market, they need flexibility to select programming that is of interest to their consumers and to package that programming in a way that enhances consumer choice and reduces cost.

This is a much different market from 1992 when Congress first enacted the program carriage provisions. Those provisions restrict the ability of cable operators to freely negotiate with unaffiliated cable programmers. That may have made sense in 1992 when cable dominated the pay-TV market with regard to both distribution and programming. Today's market is much more competitive in both respects. The FCC's rules should reflect those changes rather than expand the reach of regulations that have outlived their purpose.

The FCC's recent interpretation of the program carriage rules, however, could be read to enable programmers effectively to force their way on to a cable operator's system by merely alleging that their programming is similar enough to the operator's affiliated programming, rather than showing that there has been anticompetitive discrimination.

This is a broad expansion of the FCC's program carriage rules and procedures. But more important, it is consumers who will ultimately bear the brunt of these expanded regulations through higher costs. In a difficult economy, consumers are looking for ways to trim their budgets.

Cable operators need the flexibility to respond, or risk losing their consumers. They also should not be forced to spend millions of dollars defending against groundless allegations.

Thank you for your assistance.

Sincerely,



Fred Upton
Chairman
Committee on Energy and Commerce

Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce

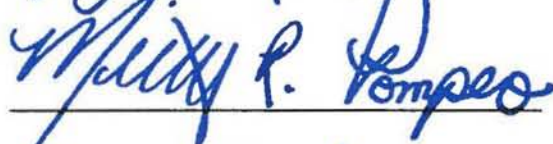




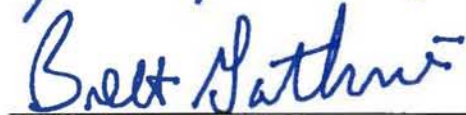
 





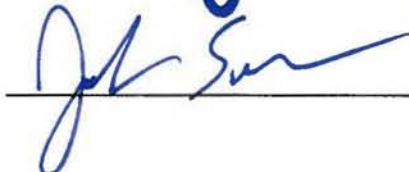


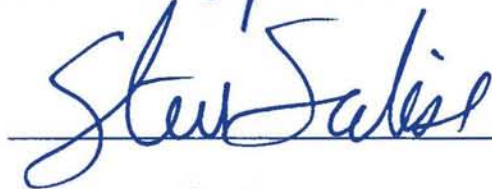






















Brian Bittner

Jim Matheson

Cathy McMoran Rodgers

Mark Van

Jenny Reberg

John Sun II-19

Charles F. Bass

Chris Smith

Cliff Steny

Lee Terry

Al Franken

Robert E. Fajardo

Joseph R. Pitts

Sue Myrick

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Anna Eshoo, Ranking Member
Subcommittee on Communications and Technology

Signatories

Page 2

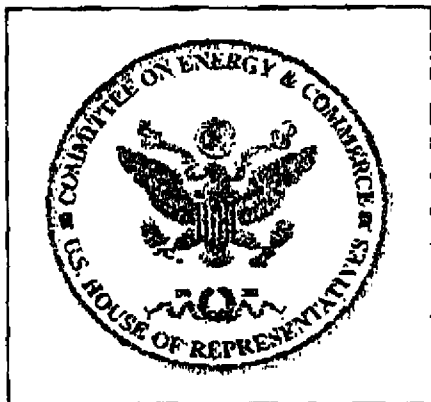
Fred Upton
Leonard Lance
Mary Bono Mack
Cynthia Lummis
Michael Pompeo
Brett Guthrie
Mike Rogers (MI)
Steve Scalise
Michael Grimm
Ed Whitfield

Greg Walden
Cory Gardner
Marsha Blackburn
David McKinley
Pete Olson
Gregg Harper
John Sullivan
Phil Gingrey
Tim Murphy
Michael C. Burgess

Page 3

Brian Bilbray
Cathy McMorris Rodgers
Denny Rehberg
Charles Bass
Cliff Stearns
Adam Kinzinger
Joseph Pitts

Jim Matheson
Mike Ross
John Shimkus
Christopher Smith
Lee Terry
Robert E. Latta
Sue Myrick



***Committee on Energy and Commerce
Republican Office***

U.S. House of Representatives

2125 Rayburn House Office Building

Washington, D.C. 20515

Phone: (202) 225-2927

Fax: (202) 225-1919

*MB
Pratt
Carroll
908*

To: Mr. Greg Guice, Director of Legislative Affairs, Federal Communications Commission for
Chairman Julius Genachowski, Federal Communications Commission

From: Rep. Fred Upton, Chairman, Committee on Energy and Commerce
Rep. Greg Walden, Chairman, Subcommittee on Communications and Technology
Others

Fax: (202) 418-2806

Date: July 23, 2012

Phone:

Pages: 5 (Including cover)

Notes:



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Upton:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a large, stylized checkmark.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

JULIUS GENACHOWSKI
CHAIRMAN

September 27, 2012

The Honorable Greg Walden
Chairman
Subcommittee on Communications and Technology
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Walden:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a horizontal line. The signature is stylized with a large, sweeping "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Charles Bass
U.S. House of Representatives
2350 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bass:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a faint circular stamp of the FCC seal.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Brian Bilbray
U.S. House of Representatives
2410 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Bilbray:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a horizontal line. The signature is stylized with a large, sweeping "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Marsha Blackburn
U.S. House of Representatives
217 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Blackburn:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a horizontal line.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mary Bono Mack
U.S. House of Representatives
104 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Bono Mack:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a faint, circular official stamp of the Federal Communications Commission.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Michael Burgess
U.S. House of Representatives
2241 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Burgess:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Cory Gardner
U.S. House of Representatives
213 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gardner:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Phil Gingrey
U.S. House of Representatives
442 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Gingrey:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a faint, large watermark of the FCC seal. The signature is fluid and cursive.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Michael Grimm
U.S. House of Representatives
512 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Grimm:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "JG", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Brett Guthrie
U.S. House of Representatives
308 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Guthrie:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Gregg Harper
U.S. House of Representatives
307 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Harper:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the word "Sincerely,". The signature is stylized with a large, sweeping "J" and a horizontal line extending to the right.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Adam Kinzinger
U.S. House of Representatives
1218 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Kinzinger:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Leonard Lance
U.S. House of Representatives
426 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Lance:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Robert E. Latta
U.S. House of Representatives
1323 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Latta:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Cynthia M. Lummis
U.S. House of Representatives
113 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Lummis:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Jim Matheson
U.S. House of Representatives
2434 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Matheson:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable David B. McKinley
U.S. House of Representatives
313 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman McKinley:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name "Julius Genachowski".

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Cathy McMorris Rodgers
U.S. House of Representatives
2421 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman McMorris Rodgers:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over a horizontal line. The signature is stylized with a large, sweeping "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Tim Murphy
U.S. House of Representatives
322 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "JG", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Sue Myrick
U.S. House of Representatives
230 Cannon House Office Building
Washington, D.C. 20515

Dear Congresswoman Myrick:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Pete Olson
U.S. House of Representatives
312 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Olson:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Joseph R. Pitts
U.S. House of Representatives
420 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pitts:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mike Pompeo
U.S. House of Representatives
107 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Pompeo:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "JG", is written over the name Julius Genachowski.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Denny Rehberg
U.S. House of Representatives
2448 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Rehberg:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be 'J. Genachowski', is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mike Rogers
U.S. House of Representatives
133 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Rogers:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J" and a horizontal line extending to the right.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Mike Ross
U.S. House of Representatives
2436 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Ross:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping "J" and a horizontal line extending to the right.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Steve Scalise
U.S. House of Representatives
429 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Scalise:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable John M. Shimkus
U.S. House of Representatives
2452 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Shimkus:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Christopher H. Smith
U.S. House of Representatives
2373 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Smith:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Cliff Stearns
U.S. House of Representatives
2306 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Stearns:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J" and a long horizontal stroke.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable John Sullivan
U.S. House of Representatives
434 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Sullivan:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'J' followed by a horizontal line and a small dot.

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Lee Terry
U.S. House of Representatives
2331 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Terry:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the name "Julius Genachowski".

Julius Genachowski



FEDERAL COMMUNICATIONS COMMISSION

September 27, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Ed Whitfield
U.S. House of Representatives
2368 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Whitfield:

Thank you for your letter expressing concern about the Commission's program carriage rules. Your views are very important and will be included in the record of the proceeding.

Under the rules it has adopted implementing Section 616 of the Communications Act, the Commission considers complaints of program carriage discrimination on a case-by-case basis, focusing on the particular facts of each complaint. The statute and the Commission's rules prohibit affiliation-based discrimination that unreasonably restrains the ability of unaffiliated networks to compete fairly. Thus, a showing of anticompetitive discrimination is required in every case.

The Commission issued a *Notice of Proposed Rulemaking* in 2011, seeking comment on a variety of revisions to the program carriage rules in order to improve Commission procedures and further advance the goals of Section 616. Your letter adds a valuable contribution to the Commission's consideration of this issue.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski